

HAWAII IS BROUGHT IN

Hawaii is figuring prominently in the boycott maintained in China against American goods.

At a recent meeting of American merchants in Hongkong with Chinese representatives of the guilds and boycott committee, the list of claims presented for consideration was broken because of one article, and the Chinese representatives walked out of the meeting. The article in question was the claim of the Chinese for consideration by the American government permitting Chinese laborers to be admitted into Hawaii and the Philippines.

The South China Post of December 11, printed at Hongkong, gives the complete list of claims, as well as the offensive ones, as follows:

We are glad to announce that the American merchants and Chinese representatives of the Guilds and the Boycott Committee have agreed on certain claims to end the boycott, which the American merchants, acting as counsel for the Chinese, will submit to the United States Government.

After the meetings at Canton of American merchants and Chinese, the Chinese Committee there came to Hongkong and instructed the Honorable Ho-Kai, M. B., C. M., C. M. G., barrister-at-law, to draft the requests of the Chinese. He did so, and his proposals, fifteen in all, were taken to Canton for consideration. The Canton Committee came here last Thursday morning, and after some revision of the articles, with the consent of Dr. Ho-Kai, the Chinese Committee met the American representatives on Friday morning. The Americans consented to accept the requests of the Chinese for transmission excepting Article 9, which they required to be amended. The Chinese would not agree to the amendment of the 9th Article, and left. On Friday night a meeting of Chinese was held in Hongkong, at which the Boycott Committee and representatives of the Guilds were present. A poll was taken on the question of amending the 9th Article, as the Americans desired, and 47 voted in favor of the amendment and three against. Subsequently the three consented, and on Saturday the Chinese and American representatives met and agreed on and signed the following Articles, which were cabled in detail yesterday to New York by the correspondent of the New York Sun:

1.—The word "Laborer" should be distinctly and clearly defined according to the highest Standard English Dictionary, and be limited to such class or classes of persons as originally intended to be designated by both Governments of the United States and China under the Chinese Exclusion Treaty of the 17th November, 1880, as laborers.

2.—All regulations and legislative measures affecting Chinese coming into the United States should be communicated to and approved by the Chinese Government before they are put into force. When the same shall have been agreed to by and between both Governments they should not at any time thereafter be altered or varied without the consent of the Chinese Government first had and obtained.

3.—Every Consul of the United States stationed in China should have full power and authority to issue and grant to Chinese (other than laborers) who intend to come to the United States a certificate of admission. Such certificate should when granted be deemed and accepted by the United States Government as conclusive proof of the right of such holder to enter into the United States, and the holder of such certificate should be allowed to land without hindrance or molestation or detention whatsoever save and except in the case of actual fraud.

4.—Every Chinese (other than a laborer) intending to come to the United States may, after having obtained a passport from the Chinese Government or from such other Government as he may for the time being be under, apply to the nearest American Consul for a certificate of admission to the United States, and when such passport shall on examination be found correct and proper the American Consul should forthwith grant to such Chinese a certificate without any delay whatsoever. In case inquiry is needed as to the propriety or correctness of such passport the issuance or refusal of such a certificate should be communicated to the applicant not later than 30 days from date of application.

5.—Medical examination of all Chinese departing for the United States should be made by the medical officer appointed by the United States Government and approved by the Chinese Government and approved by the United States Government at the port of departure, and no one should be deemed to be unfit to depart unless certified to be so by both the medical officer for the United States Government and such medical practitioner as shall be appointed by the Chinese Government. If at the port of entry medical re-examination should be deemed necessary similar arrangements should be made, and no one should be deemed unfit to land unless certified to be so by both medical officers.

6.—All Chinese once admitted into the United States should be treated and protected by the United States Government, and should have the same rights and liberties as subjects of the most-favored nation, and in no case should they be subjected to any disabilities and to any special laws and regulations other than those made for the government of the subjects of the most-favored nation. And in case of ill-treatment or molestation by or from any person whatsoever the person so injured thereby should have the right to demand and claim either by action or otherwise in any court of justice in the United States such relief and damages as justice of the case may require.

7.—Chinese passing through the United States en route for any other country should not be subjected to any

harsh treatment or unnecessary hindrances, but should only be subjected to such laws and regulations as may be made for regulating the transit of subjects of the most-favored nation through the territories of the United States.

8.—All Chinese resident in the United States should no longer be required to register unless and until the subjects of the most-favored nation by requiring to do the same.

9.—Chinese laborers should be admitted by the United States Government into the Hawaiian Islands and the Philippine Islands provided that the Legislature or local authorities of such islands are willing to admit such laborers.

10.—If any Chinese on entering into the United States were detained for the purpose of inquiry he should be allowed pending such inquiry to land upon his furnishing sufficient security for his re-appearance and to engage such legal assistance as he may deem fit. Should the decision of the inquiry be unfavorable to him such decision should be communicated to him at once, and he may thereupon lodge an appeal and carry the case into the highest court of justice in the United States for final decision. Should any law or error of a technical or formal character only be found in the passport or certificate of the American Consul, or any other documentary proofs entitling him to enter into the United States, opportunities should be afforded him to rectify the flaw or error, and he should not on account of such flaw or error be absolutely debarred from entering into the United States.

11.—Every Chinese resident in the United States should have the right to bring his parents, wife and family to reside with him, but as to his brothers and sisters he will have the same right only if they are minors; provided always that in every case of a Chinese girl or woman seeking admission into the United States the United States Government may require a certificate from a reputable institution for the protection of women and children stating that such girl or woman is of a respectable class and is a proper person for admission.

12.—Every Chinese who had been lawfully admitted into the United States but was deported therefrom on account of his failing to register himself should be re-admitted into the United States on satisfactory proofs being given of his possessing in the United States property or bona-fide debt up to the required amount.

THE VLADIVOSTOK REIGN OF TERROR

VICTORIA, B. C., December 23.—LARRY BUSH of Clarkson & Co. of Vladivostok, Port Arthur and Harbin, who has arrived from Vladivostok by the steamer Tartar, was an eyewitness of the revolt among the Russian soldiers there, and relates a graphic story. The trouble began at a Chinese bazaar, where, following a dispute, a mob of soldiers rushed the stalls, grabbing everything they could lay their hands on.

Many Russians went to a steamer which was discharging oil and saturated the place with it. They fired the place and it burned quickly, many wounded Chinese being then incinerated.

From the bazaar the soldiers went to the big store of Kunst & Albers, a German firm, driving out the staff, who fled for their lives. The commander, Katzoff, ordered out the troops, who were in barracks, but instead of preventing the revolting soldiers from looting they fired at the upper windows while the looters were busy below. Mr. Bush says they would not fire on the revolting soldiers, although they were quick enough to bring down their rifles to kill Chinese.

The Kunst & Albers store was a big one, full of general merchandise, and the loss must have been over \$1,000,000, for the mob brought can after can of oil from the wharf and burned the place. By this time the streets were filled with screaming, mad Russians and Chinese. The sticks and stones were flying and bullets whistling everywhere. Chinese corpses were scattered about the streets, and many Russians were killed.

Mr. Bush did not realize his danger until then. Some Chinese rushed at him with shouts of "There's another one," and he fled. Of the remainder of the tragedy he cannot speak from observation, but he learned from good authorities, when the Kunst & Albers store was burning refugees were crowded into sampans and all the merchant steamers and transports were leaving the harbor. That night, Nov. 13, men paid from 2 to 50 rubles to be allowed to sleep in a sampan in the harbor. Place after place was burned until before the riots ended more than two hundred stores had been destroyed.

Bodies were scattered about the streets, over 500 Russians and more than 2000 Chinese being killed. The bodies lay unburied for three days, when they were gathered up wholesale and carted away for burial.

Commander Katzoff fled to Sakataka, two miles away, on the first day, and the troops who did not take part in the rioting did not prevent it. Proclamations after proclamation were telegraphed by the fugitive commander, but not until he promised that the troops would be sent to Russia as quick as they could be transported did the rioting discontinue.

Returning to Vladivostok, Mr. Bush came across today after body, sometimes scattered, sometimes in groups. The city presented a sad appearance, being practically ruined. He estimates the loss at \$20,000,000 and says years will be required to put the place as it was.

Mr. Bush says the army throughout is demoralized, and he believes a great revolt will take place before long.

Twelve of the young friends of Henry Lewis, the adopted son of Mr. and Mrs. Ed. Lewis, who resides on Lonsdale street, gave the young men a surprise party yesterday afternoon. A lively time of roasting fun was enjoyed, with a final winding up of good things dear to the inner child.

MAJ. KELLY TO INSTALL CANTON IN TWO WEEKS



"MAJOR" E. W. KELLY, MASTER OF THE BARK GEO. CURTIS.

The presence in port of Captain E. W. Kelly of the bark George Curtis is a source of pleasure to the members of the newly-organized Oahu Canton, the uniform rank of the Odd Fellows, the first of the kind in Honolulu. Captain Kelly has been designated by the Commander of the Patriarch Militant as the installing officer for the local lodge. The installation will probably take place in about two weeks. The actual date will be set at the meeting to be held tomorrow night.

The ceremonies may be public to all members of the Odd Fellows. The Canton will appear in their handsome new uniforms. Captain Kelly, although an ancient mariner and, until recently, master of the bark Mohican, which has run between San Francisco and Honolulu for many years, is about the only sea-captain who enjoys a land title, that of major. He is Major Kelly among all Odd Fellows, and enjoys a high rank in the uniform division of Odd Fellowship.

WAINIHA POWER LINE OPENS UP FINE SCENERY

Kaui has many scenic attractions which are being opened to the public by the laying of the new electric line across the island for the Wainiha Power Co., and much is expected by the Garden Islanders in the way of tourists visiting that island as they would Hawaii and Maui.

Marston Campbell, who returned Sunday from an engineering trip to Kaui, says Kaui has scenery that can not be duplicated on any other island. The road from Lihue up through the mountains back of Kilauea crater and past the Waialeale Falls takes the traveler through an ever-changing vista of beautiful scenes. Everything is a rich green, and the trees and foliage are of extraordinary beauty.

"The roads are fine out of Lihue and are good for automobile," said Mr. Campbell at the Promotion Committee rooms yesterday. "The contractors are extending the road, for the benefit of their work, up into the mountains and trail over which one can ride horse-back is opening up entirely new scenery to the public. It seems to me it would be a good idea for some enterprising persons around Lihue to build a small house on the summit of the trail, where travelers could get sleeping accommodations at least."

"On this Lihue road and trail you pass innumerable waterfalls, and the ride gives one an idea of what Hawaiian mountain tropical vegetation really is." Secretary Wood of the Promotion Committee intends visiting Kaui next month.

CORPORATION LAW CLEAR

A news article in Saturday's Hawaiian Star tacitly accused the Attorney General of garbling the law relating to corporations in a circular to corporations warning them of a penalty in default of their filing of annual exhibits with the Treasurer. "The circular is being severely criticized as intended to scare people into doing something that the law does not compel them to do, and thereby to bolster up a clumsily drawn act," the Star article said.

As the intimation was a serious one against the head of the Territory's law department, an Advertiser reporter was promptly detailed to ask Mr. Peters for an explanation. As the Attorney General went to Wailua on Saturday afternoon, the opportunity to see him did not arrive until yesterday. Then he cleared up the whole business in the following manner, showing that he had stated the law as it bore upon the subject properly in the circular:

"This matter of corporation exhibits has been a bugbear right straight along in the Treasurer's office," Mr. Peters said.

"A great many corporations—such as the Inter-Island, the Hawaiian Trust Co., etc.—representing the best and largest interests in the country, though saying they considered that the Merchants' Association was right in claiming that the exhibits were not required legally, have said that they would file exhibits anyway. A little over seventy corporations filed their exhibits last year."

George W. Smith of Benson, Smith & Co., Ltd., related the issue over a year ago. He objected to filing exhibits of his company on the ground that it was an interference with private business to require that the company's affairs should be exposed to the inspection of rival concerns. Also he claimed that his corporation was a close corporation.

"Four or five months before the session of the Legislature of 1905 Benson, Smith & Co. sought the opinion of Smith & Lewis as to whether the law relative to the filing of annual exhibits by corporations was good enough. I

have not heard what the opinion was further than information that it was against the contention of the corporation.

"All the same, the Merchants' Association decided that it would fight the question. There was some correspondence between George W. Smith and the Treasurer upon the matter of a test case. First it was understood that Benson, Smith & Co. would refuse to file an exhibit, but they relented on that proposition."

"Then it was considered whether an agreed statement of facts could not be arranged for submission to the Supreme Court. Benson, Smith & Co. at this stage wrote a long letter objecting to the filing of an exhibit on the ground that the form was not proper. This was beside the main question."

"We were trying to get it before the Supreme Court prior to the meeting of the Legislature. Then, when the Legislature was in session, Smith & Lewis brought up an agreed statement of facts which was their own. It differed so much from the statement which we had been under consideration that we could not accept it."

"Now, regarding the point raised in the Star on Saturday, here is the whole case in a nutshell. When the Legislature met, one of the first measures it enacted was the Revised Laws of 1905. In this law relative to annual exhibits by corporations, as Section 2556, Revised Laws, is a copy of our Civil Code of 1893, Section 1441, our Compiled Laws of 1894, Section 1411, and Compiled Laws of 1897, Section 3024. It provides for the making of annual exhibits by corporations."

"In 1890 the Legislature of the Kingdom of Hawaii, by Chapter 43, Sec. 10, found in Civil Laws 2940, and again the Legislature of 1903, by Chapter 8, Sec. 1, provided relative to corporations a penalty for making any false affidavit, etc., and then used these words: 'or hold themselves out to be a corporation without having complied with the provisions of this Act shall be held to be guilty of a misdemeanor,' etc. The compilers of the Revised Laws changed the words 'this Act' and substituted in lieu thereof the word 'law.'"

"This alteration being adopted by the Legislature brought in the entire law from 1893 with its amendments, thereby making any violation of the law of corporations a misdemeanor. The Star has corrected its misapprehension of the 'law in today's issue.'"

"In preparing the notices to corporations on behalf of the Treasurer, it would have been surplussage if the other stated branches of the law were inserted. Only the neglect to file ex-

hibits was in point. But, as you see, the Revised Laws make the violation of any of the provisions of law applicable to corporations a misdemeanor." Mr. Peters reminded the reporter that when he gave him the circular to print a week ago he mentioned his intention to stress out the underlined passage threatening the penalty in the circular going to corporations that had hitherto complied with the law.

In its correction of the wrong impression its article of Saturday made, yesterday's Star quotes Governor Carter at some length in insisting on the enforcement of the law.

"Parties who are granted privileges should comply with the terms on which the people grant those privileges," the Governor is reported as saying. "Openness and publicity furnish the best preventives of graft conditions and the law must be complied with," the executive concluded.

BANKRUPTCY ASSET CASE

Judge Sanford B. Dole of the United States District Court rendered a decision yesterday of considerable interest to business men. It was on a question of title to certain goods in the matter of Y. Y. Hirose, a bankrupt. This is the syllabus:

"In a proposition for selling goods, where the understanding is that the goods will be delivered to the proposed purchaser upon his payment of the price therefor, the failure of the proposed purchaser to pay absolves the proposed seller from any obligation to deliver."

"The proposed seller invoiced the goods in the name of the proposed buyer, but mailed the invoices to his own agent, and instructed the proposed buyer by mail that if he would pay the price of the goods to the agent he could get the invoices from him, held, that the fact that the invoices were made out in the name of the proposed buyer, conferred no title on him under the circumstances."

THE CASE STATED.

Judge Dole, in the body of the decision, states the case thus: "A petition was filed in this court on the 23rd day of March, 1904, by H. Hackfeld & Co., Ltd., Hoffschlaeger Company, Ltd., and the Seattle Brewing & Malting Co., praying that one Y. Y. Hirose, doing business under the name of Hirose Shoten, be adjudicated a bankrupt, and on the 5th day of May, 1904, the petition was granted and adjudication made."

"Pending the proceedings, the court, in response to a petition by said Seattle Brewing & Malting Co., made an order on the 29th day of March, 1904, directing that certain property seized by the United States marshal and alleged to belong to the said alleged bankrupt, to wit, eighty tubs of sake, be sold, the same being perishable goods; and thereafter, on the 8th day of June, 1904, Chas. F. Clemmons, trustee in bankruptcy of the said bankrupt estate, claiming to own the said property and proceeds of the sale thereof as such trustee, and F. E. Thompson, attorney for the Urabi Brewing Co., a corporation of the Empire of Japan, which corporation claimed the said property and the proceeds of such sale thereof, petitioned this court for the determination of such controversy, praying that the petition be heard by the judge of this court or by some referee to be appointed therefor, and for such other and further relief as the premises might require. The matter was thereupon referred to Wm. T. Rawlins, referee in bankruptcy of this court, to report facts and findings as prayed for in said petition. The referee filed his report on August 30th, 1905, to the effect that the Urabi Brewing Co. never parted with its title in the said eighty tubs of sake, and that the trustee of Y. Y. Hirose, a bankrupt, is not entitled to the funds now in the hands of the United States marshal."

"Thereupon, the Urabi Brewing Co., by its attorney, F. E. Thompson, moved the court for an order confirming and approving the said report of the referee and directing the clerk of this court to pay to the Urabi Brewing Co., or its attorney, the proceeds of the sale of the said sake. The motion was heard, counsel for both sides being present and making argument and referring to authorities."

THE TRANSACTIONS.

"From the evidence which was taken in the bankruptcy proceedings relating to the question of the ownership of the sake at the time of its seizure by the marshal, the story is briefly as follows: The Urabi Brewing Co., doing business in Japan, shipped the said sake to Honolulu, invoicing it in the name of Hirose, but mailing the invoices to their agent in Honolulu, a Japanese named Doyo, with instructions to him to deliver it to Hirose upon his paying therefor. Hirose was unable to pay and to accommodate the Urabi Brewing Co., signed the necessary papers for taking it out of the Custom House, the agent of the Urabi Brewing Co., Doyo, paying the duties therefor. The trustee contends such a construction of the evidence, claiming that there was evidence showing that Hirose had paid the duty and taken out the goods. The evidence tending to such a conclusion was by Custom House employees and was vague and uncertain. The testimony of other witnesses, particularly that of Hirose himself, overweighs such evidence and satisfies me that the history of the case is as I have stated. Hirose had evidently, from the evidence, previously done business with the Urabi Brewing Co., but becoming involved they took the precaution of sending the invoices, which were in Hirose's name, to their agent, with instructions to hold them until Hirose should pay for them. As was explained, they were made in Hirose's name, as they did not wish to enter into the business of selling sake in the Hawaiian Islands and paying the license therefor."

THE LAW CONSIDERED.

"It is clear to me that, under the circumstances, no title in the sake

INCREASE OF TAXES

Below is a comparative statement of taxes collected for eight years from January 1, 1898, to December 31, 1905. This period covers the entire time of annexation with a little over six months previous, the portion from June 14, 1898, being under the Territory of Hawaii. The increase of 1905 collections over those of 1898 is \$1,129,363.73, or more than 150 per cent. This is far from accounted for by the \$235,733 of income tax in 1905, non-existent in 1898, as a glance at the comparative statement will show that both real estate and property taxes had both more than doubled as far back as 1902. Here is the comparative statement:

	1905	1904	1903	1902	1901	1900	1899	1898
Real estate	\$615,127.20	\$500,110.46	\$400,240.53	\$300,110.46	\$200,110.46	\$100,110.46	\$50,110.46	\$25,110.46
Personal property	400,000.00	350,000.00	300,000.00	250,000.00	200,000.00	150,000.00	100,000.00	50,000.00
Insurance	50,000.00	40,000.00	30,000.00	20,000.00	10,000.00	5,000.00	2,500.00	1,250.00
Carriages	10,000.00	8,000.00	6,000.00	4,000.00	2,000.00	1,000.00	500.00	250.00
Carts & drags	5,000.00	4,000.00	3,000.00	2,000.00	1,000.00	500.00	250.00	125.00
Dogs & dog tags	1,000.00	800.00	600.00	400.00	200.00	100.00	50.00	25.00
Roll tax	10,000.00	8,000.00	6,000.00	4,000.00	2,000.00	1,000.00	500.00	250.00
Police tax	10,000.00	8,000.00	6,000.00	4,000.00	2,000.00	1,000.00	500.00	250.00
100% penalties	10,000.00	8,000.00	6,000.00	4,000.00	2,000.00	1,000.00	500.00	250.00
Adv. costs	10,000.00	8,000.00	6,000.00	4,000.00	2,000.00	1,000.00	500.00	250.00
Income tax	235,733.73	190,000.00	150,000.00	100,000.00	50,000.00	25,000.00	12,500.00	6,250.00
Court costs	10,000.00	8,000.00	6,000.00	4,000.00	2,000.00	1,000.00	500.00	250.00
Income tax	235,733.73	190,000.00	150,000.00	100,000.00	50,000.00	25,000.00	12,500.00	6,250.00
Totals	\$1,129,363.73	\$914,184.40	\$714,184.40	\$514,184.40	\$314,184.40	\$114,184.40	\$59,184.40	\$29,184.40

Following is a table of the tax collections for 1905 by the respective taxation divisions of the Territory:

Oahu \$1,129,363.73

Maui, Molokai and Lanai 248,523.84

Hawaii 366,631.65

Kauai and Niihau 199,370.59

\$1,944,184.40

The figures of both tables have been copied from records in the Auditor's office. Auditor Fisher has figured out that the collections for 1905 amount to \$12.61 per head of the population as given by last census.

passed to Hirose, the arrangement being that the delivery of the invoices which would confer title should depend upon his payment of the invoice price and that failing the other part of the understanding also fell through. This understanding was based on a proposition made by the Urabi Brewing Co., written to Hirose on a postal card, that if he paid the price to Doyo he could get the papers from him.

"Where both parties are to do something simultaneously, as, for example, where the seller is to deliver and the buyer is to pay the price, these are concurrent conditions, and neither party can maintain an action for breach of contract without averring that he performed or offered to perform what he himself was bound to do." 21 Am. & Eng. Encl. Law (1st Ed.) 629; 1 Benjamin on Sales (Corbin's Ed.) Sec. 327; Watjen vs. Green, 48 N. J. Eq. 329.

"The trustee called attention to certain testimony by the witness One, on his direct examination, that 'I was agreed between Hirose and Doyo to let the agent (Doyo) of Urabi (The Urabi Brewing Co.) draw that sake out of the Custom House in the name of Hirose or otherwise protected, that if Doyo makes any profits on this merchandise that he will make some, turn over some possibly to the estate.' And by the same witness on cross-examination, as follows: Q. You testified that Doyo promised in case a profit was made to turn the profit over to the estate? A. Yes. Q. What was the reason of your agreement to turn over the profits to Hirose's estate? A. Well, just because in this country that license law is in force. The man who—a man can't transact any legal business without paying a license, and this Urabi Co. has not paid any license, and besides that the bill of lading was in the name of Hirose, and also that if the estate does not agree with, why the goods got to be sent back to Japan. As matter of accommodation I thought it only just and fair for Doyo to pay in some amount of money to the estate and give consent."

"No information was asked for from Doyo or Hirose on this point and none given. I consider this evidence to be too vague and indefinite to support a claim for the profits or a part of them."

"The report of the referee is, therefore, confirmed and the court will sign an order directing the clerk to pay to the Urabi Brewing Co., or its attorney, the net proceeds of the sale of the said sake."